In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.19366 of 2006

Date of Decision: 7.12.2006

Dhirender Kumar …Petitioner.

Versus

State of Haryana & Others. …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE M.M.S.BEDI

Present: Mr.Pritam Saini, Advocate
for the petitioner.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The prayer made by the petitioner in the instant petition for issuance of direction to the respondents to allow him to continue on the post of Tube-well Operator (Pump Attendant) till the regular vacancies are filled up. It has further been prayed that respondent No.2-Executive Engineer, Public Works Department (Public Health Branch), Yamuna Nagar be restrained from appointing any other person on the said post on daily wage basis till the regular incumbent joins. It is admitted position that the petitioner was appointed on 7.10.2005 as Tube-well Operator (Pump Attendant) and sanction for appointment on daily wage basis was granted vide letter dated 19.1.2006 (Annexure P1). He worked upto 28.2.2006.

After hearing learned counsel, we find that no right is vested in a Daily Wager to claim that he should be continued on the post nor any such

direction is permissible in view of the judgment of Hon'ble the Supreme Court in the case of **"Secretary, State of Karnatka v. Uma Devi" (2006)4 SCC 1**. There is specific direction of Hon'ble the Supreme Court to the effect that the Courts are not to issue in any interim order in such like cases to the effect that till the regular incumbent joins Daily Wagers are allowed to continue. Therefore, there is no merit in the petition. Dismissed.

With regard to the claim made by the petitioner for his salary for the months of January, February and March 2006, he may make a representation to the respondents and the same shall be decided in accordance with law.

(M.M.KUMAR)
Judge

December 7, 2006 **(M.M.S.BEDI)**
dkb **Judge**